



FAIR TRADING COMMISSION

CONSULTATION PAPER

DETERMINATION & APPLICABILITY OF STANDARDS OF SERVICE FOR THE BARBADOS WATER AUTHORITY

Document No. FTC/URD/CONSOSBWA-2021-01

Date: May 20, 2021

DOCUMENT NUMBER: FTC/URD/CONSOSBWA-2021-01

DOCUMENT TITLE: Review of Barbados Water Authority Standards of Service

ANTECEDENT DOCUMENTS

Document Number	Description	Date
FTCURD/DECSOS/BWA2017-01	Decision on BWA Standards of Service 2014 - 2017	May 3, 2017
FTC /CONS2016/01	Consultation Paper - BWA Standards of Service	June 2016

TABLE OF CONTENTS

Purpose of Document.....	3
Structure of Paper	4
SECTION 1 WATER SECTOR UPDATE.....	5
SECTION 2 LEGISLATIVE FRAMEWORK.....	6
SECTION 3 PERFORMANCE REVIEW AND NEW PROPOSALS	8
3.1. Applicability of the Guaranteed Standards of Service	8
3.2. Guaranteed Standards of Service.....	9
3.3. Compensation	25
3.4. Overall Standards of Service.....	26
SECTION 4 GENERAL EXEMPTIONS	38
4.0 Force Majeure.....	38
4.1. Other Exemptions and Conditions	39
SECTION 5 MONITORING AND ENFORCEMENT OF STANDARDS	41
SECTION 6 LIST OF QUESTIONS	44
SECTION 7 CONSULTATION PROCESS	47
APPENDIX 1	49
Appendix 1.1 - Drinking Water Quality Standard	49
APPENDIX 2	52
Appendix 2.1 - The proposed new Sampling Regime	52

Purpose of Document

This consultation paper outlines the Fair Trading Commission's (Commission) review process of the Standards of Service for the Barbados Water Authority (BWA) 2018 - 2020.

The views and opinions of stakeholders will be sought through public consultation. The Commission, in making its determination, will take these contributions into consideration.

This paper is intended to solicit comments on:

- a. The Standards of Service performance of the BWA;
- b. Whether any additional Guaranteed or Overall Standards of Service should be added;
- c. Whether the current reporting requirements should be adjusted; and
- d. Whether any of the current Guaranteed or Overall Standards of Service should be modified or removed.

The Commission encourages the widest possible participation in this consultation process. In addition to making this document available at its offices, it will be posted on the Commission's website, www.ftc.gov.bb.

The Consultation period will begin on May 20, 2021 and end on June 17, 2021 at 4:00 p.m.

Structure of Paper

This paper is divided into six (6) sections:

- Section 1 provides an update on current developments in Barbados' water sector.
- Section 2 outlines the legislative framework for the Standards of Service and the statutory provisions that give the Commission the authority to undertake this process.
- Section 3 reviews the BWA's Standards of Service performance from 2018 to 2020, and new proposals for Guaranteed and Overall Standards of Service.
- Section 4 lists the grounds for Force Majeure and other exemptions.
- Section 5 outlines Standards of Service administration rules and the Commission's monitoring of the Standards of Service regime.
- Section 6 lists the consultation questions.
- Section 7 provides information on the consultation process.

SECTION 1 WATER SECTOR UPDATE

This section provides an update as to the development in the water sector within the review period. There was one major development in the water sector during the period. On August 12, 2019, the Governor General of Barbados signed an amendment to the Utilities Regulation (Amendment) Act, 2019-31. This amendment facilitated exemption by the Minister of all or part of a utility service from the application of all or any of the provisions of the Utilities Regulation Act, CAP. 282 (URA) of the Laws of Barbados, where the Minister is satisfied that that exemption is required in the public interest. It resulted in the authority for determining rates for the Barbados Water Authority being removed from the Commission. This is relevant as it allowed the Government of Barbados to make exigent changes to commercial water rates that were deemed necessary. The amendment states as follows:

(4) The Minister may, on the recommendation of the Commission, or on his own initiative, exempt the utility service supplied by any service provider or part of that utility service from the application of all or any of the provisions of this Act, where the Minister is satisfied that the exemption is required in the public interest.

SECTION 2 LEGISLATIVE FRAMEWORK

BWA Standards of Service first came into effect on January 1, 2018, in accordance with Section 3 (1) and 4 of the URA. Sections 3 (1) and 4 of the URA set out the Commission's authority to determine the Standards of Service and the relevant considerations that must be taken into account. The Commission is charged with the responsibility of monitoring and periodically reviewing the Standards of Service and holds the view that these Standards are necessary to ensure that the BWA provides an adequate service to its customers.

Section 3 (1) (d) (e) and (f) of the URA states that:

The functions of the Commission under this Act are, in relation to service providers, to

- (d) determine the standards of service applicable; and*
- (e) monitor the standards of service supplied to ensure compliance*
- (f) carry out periodic reviews of the rates and principles for setting rates and standards of service*

Section 4 of the URA states that:

In determining standards of service, the Commission shall have regard to

- (a) The rates being charged by the service provider for supplying a utility service;*
- (b) Ensuring that consumers are provided with universal access to the services supplied by the service provider;*
- (c) The national environmental policy; and*
- (d) Such other matters as the Commission may consider appropriate.*

The application of these Standards of Service for residential and commercial customers seeks to ensure that a minimum, mandatory level of service is extended routinely. Standards of Service regimes are increasingly important in the absence of competition.

The Standards of Service Decision (FTCURD/DECSOS/BWA-2017-01), issued on May 31, 2017 was intended to cover the period 2018-2020. However, at the expiration of this

period, the Commission proposed an extension thereof until June 30, 2021 or until the Commission determined new Standards. A fourteen (14) day period was given for persons to object to the proposed extension. No objections were received and therefore the previous Standards remain in effect until the conclusion of this consultative process and the implementation of the new Standards.

SECTION 3 PERFORMANCE REVIEW AND NEW PROPOSALS

3.1. Applicability of the Guaranteed Standards of Service

The BWA remains the sole entity with the responsibility for the supply of potable water and sewerage services and therefore continues to operate in a monopolistic environment. The high infrastructural and operational costs are deterrents and barriers to entry. Consumers therefore have no alternatives in obtaining this precious resource but are forced to rely on one single supplier who, facing no competition, has little market-driven incentive to continually improve the quality of its service. Consequently, in the absence of competition, the Commission has been fulfilling the role of proxy.

The Commission as regulator has a responsibility to ensure that there is operational accountability and that consumers are afforded acceptable standards. Hence, a quality of service (QoS) framework like the Standards of Service remains a critical tool in the arsenal of a regulatory authority.

The Commission reviewed standards from Jamaica, Trinidad and Tobago, Gambia, the United Kingdom (UK), Australia and the Emirate of Abu Dhabi. The review revealed that Standards of Service have been established in these jurisdictions across a number of the categories that are currently outlined in the BWA Standards of Service.

Thus, based on the aforementioned examples and in the interest of regulatory best practice, it is the Commission's view that the Standards of Service framework should remain in place in Barbados.

Q1: What are your views on the Commission's continued imposition of Standards of Service for the Barbados Water Authority?

3.2 Guaranteed Standards of Service

The Guaranteed Standards of Service measure the performance of the regulated service provider in the delivery of its services to individual customers. Failure by the provider to meet the targets associated with these Standards could result in a compensatory payment to the individual customer in the form of a credit to their account. However, in order to obtain this credit, the customer must submit a claim within three (3) months of the occurrence of the breach. This section reviews the performance of the BWA during the period 2018-2020.

BWA's overall performance under the Guaranteed Standards over the period 2018 to 2020 was subpar. While the utility managed to attain optimal performance or gradual improvements in a limited number of Standards, the period was characterised by suboptimal performances and, in some instances, a deterioration in the performance over time. The BWA's performance under Installation of Service (GWS 1) progressively deteriorated over the 2018 to 2020 period, with a reported compliance rate of 35.88% for residential customers and 18.75% for commercial customers in 2018.

Under this Standard, BWA's performance in 2019 was comparable to 2018, with compliance rates of 34.84% and 19.75% for residential and commercial customers, respectively. In 2020, BWA's GWS 1 compliance remained at the same level of average compliance as in the previous two (2) years, registering 24.01% and 38.89% in the residential and commercial categories, respectively.

Table 1 below offers a comparative summary of the BWA's performance under GWS 1 (Installation of a Service) from 2018 to 2020.

STANDARD	TARGET	AVERAGE (%) COMPLIANCE January 1, 2020 - December 31, 2020		AVERAGE (%) COMPLIANCE January 1, 2019 - December 31, 2019		AVERAGE (%) COMPLIANCE January 1, 2018 - December 31, 2018	
		R ¹	C ²	R	C	R	C
GWS 1 - Installation of a Service 1a. Time taken between application, payment for service, and the installation for a standard connection in a Zone other than a Zone 1 area.	Residential (R) - 14 days Commercial (C) - 10 days	24.01	38.89	34.84	19.75	35.88	18.75
1b. Time taken to complete an investigation on receipt of an application for service, in a Zone 1 area.	Residential (R) - 14 days Commercial (C) - 10 days	91.25		-	-	71.80	
1c. Installation time after the completion of the investigation and approval in Zone 1 area. (Zones are as defined by the BWA)	Residential (R) - 14 days Commercial (C) - 10 days	Nil	Nil	N/A		N/A	

The utility reported that it encountered several operational and financial challenges during the reporting period. Additionally, the Barbados Economic Recovery Transformation (BERT) exercise in 2018 compounded the already tenuous position, as it resulted in the retrenchment of employees in critical areas which directly impacted the monitoring and implementation of the Standard.

¹ Residential customer refers to persons that indicate they are applying for a domestic service on their application for water (R).

² Commercial customer refers to persons that indicate they are applying for a commercial service on their application for water (C).

The utility was able to consistently achieve an outstanding performance under the Wrongful Disconnections (GWS 4) for the 2018 to 2020 period, with a compliance rate of 100%. A commendable performance was also reported for Meter Installation (GWS 5) for 2019 and 2020. However, data was only submitted for three quarters in 2018 and as such, a true twelve (12) month average could not be computed.

Table 2 offers a comparative summary of the BWA's performance from 2018 to 2020 under GWS 4 (Wrongful Disconnections) and GWS 5 (Meter Installation).

STANDARD	TARGET	AVERAGE (%) COMPLIANCE January 1, 2020 - December 31, 2020		AVERAGE (%) COMPLIANCE January 1, 2019 - December 31, 2019		AVERAGE (%) COMPLIANCE January 1, 2018 - December 31, 2018	
		R	C	R	C	R	C
GWS 4 - Wrongful Disconnections The loss of service where the customer has been disconnected in error.	Reconnected within 10 hours after notification of the error. (Residential)	100	100	100	100	100	No complaints received of wrongful disconnections of commercial entities
GWS 5 - Meter Installation (Existing Service) The time frame in which the BWA will install a meter on the customer's request. (Customer with a fixed rate requesting meter)	Meter to be installed within 45 days of receipt of request	No request for meters	No request for meters	100	100	100 ³	100

Whilst a compliance rate of 100% was attained for the Issuance of First Bill (GWS 2) for commercial customers in 2018, the BWA failed to achieve a comparable level of performance in 2019 and 2020. Furthermore, the utility's performance under the

³ Assessment derived from three quarters (Quarters 2, 3 and 4)

residential category was unsatisfactory and registered significant fluctuations, with reported compliance rates of 33.21%, 88.49% and 58.02% for the years 2018, 2019 and 2020, respectively. The BWA indicated that its computer system's inability to differentiate between reconnected and new services necessitated the manual identification of the latter. This identification process resulted in delays during the preparation of the data and negatively impacted performance under GWS 2.

Table 3 offers a comparative summary of the BWA's performance from 2018 to 2020 under GWS 2 (Issuance of First Bill).

STANDARD	TARGET	AVERAGE (%) COMPLIANCE January 1, 2020 - December 31, 2020		AVERAGE (%) COMPLIANCE January 1, 2019 - December 31, 2019		AVERAGE (%) COMPLIANCE January 1, 2018 - December 31, 2018	
		R	C	R	C	R	C
GWS 2 - Issuance of First Bill The time elapsing between the installation of water service and the issuance of the first water bill. (Interim bill to be issued if read bill cannot be generated)	Residential - No more than 30 days after installation of service Commercial - No more than 30 days after installation of service	58.02	64.71	88.49	96.77	33.21	100

In 2018, BWA achieved satisfactory compliance under several Guaranteed Standards, including Response to Complaints (GWS 3) (in relation to residential customers), Repair/Replacement of Faulty Meter (GWS 6) and Reconnection after Payment of Overdue Amount and Reconnection Fee (GWS 7). With respect to Response to Complaints, an acceptable compliance rate of 92.01% for residential customers and 78.51% for acknowledgement of commercial customer complaints was achieved. Conversely, compliance rates of 21.35% and 17.65% were reported for residential and

commercial customers, respectively, in relation to the investigation of complaints. It must be noted that in 2018, billing and service complaint acknowledgements were not segregated and a combined figure was reported. Similarly, the metrics for investigations (billing and service) were amalgamated for 2018. However, the data was separated into billing and service for the years 2019 and 2020.

In 2019, the reported compliance for Response to Complaints, specifically the acknowledgement of billing complaints within seven (7) days was 83.58% (residential) and 93.15% (commercial). The metric for acknowledgment of service complaints for the same year was 97.16% for residential customers and 95% for commercial customers. Unfortunately, the BWA's performance declined in 2020, as the compliance rate for acknowledgment of billing complaints was reduced to 65.93% (residential) and 72.73% (commercial). Similarly, there was a deterioration in performance in relation to the acknowledgment of service complaints, with reported compliance rates of 70.86% for residential customers and 67.74% for commercial customers.

This poor performance extended to the BWA's investigation of billing complaints, with compliance rates of 25.56% and 17.01% for 2019 and 2020, respectively, under the residential category and 16.92% (2019) and 12.50% (2020) in the commercial category. An unacceptable performance. The investigation of service complaints for residential customers similarly revealed subpar performance by the utility, with compliance rates of 35.48% and 0%, for 2019 and 2020, respectively. Service delivery under the commercial category for the same period registered compliance rates of 67.64% (2019) and 80% (2020).

Table 4 offers a comparative summary of the BWA's performance from 2018 to 2020 under GWS 3 (Response to Complaints).

STANDARD	TARGET	AVERAGE (%) COMPLIANCE January 1, 2020 - December 31, 2020	AVERAGE (%) COMPLIANCE January 1, 2019 - December 31, 2019	AVERAGE (%) COMPLIANCE January 1, 2018 - December 31, 2018
----------	--------	---	---	--

		R	C	R	C	R	C
GWS 3 - Response to Complaints The timeframe in which the BWA must acknowledge a customer's complaint about billings or other standards of service.	Acknowledgement provided within 7 days of receipt of complaint. (Billing)	65.93	72.73	83.58	93.15	92.01	78.51
	Acknowledgement provided within 7 days of receipt of complaint. (Service)	70.86	67.74	97.16	95		
	Investigation of complaint and findings provided within 20 days of receipt of complaint. (Inclusive of acknowledgement time) (Billing)	17.01	12.50	25.56	16.92	21.35	17.65
	Investigation of complaint and findings provided within 20 days of receipt of complaint. (Inclusive of acknowledgement time) (Service)	0	80	35.48	67.64		

As it relates to the BWA's 2018 performance under Repair/Replacement of Faulty Meter, the utility attained compliance of 91% for the assessment of the meter and 99.29% for repair or replacement of the meter within the stipulated time, under the residential category. Compliance rates for 2019 and 2020 in relation to meter assessment were 99.79% and 93.50%, respectively. With regard to repair or replacement of faulty meters, compliance rates of 100% and 98.94% were reported.

Table 5 offers a comparative summary of the BWA's performance from 2018 to 2020 under GWS 6 (Repair/Replacement of Faulty Meter).

		AVERAGE (%) COMPLIANCE	AVERAGE (%) COMPLIANCE	AVERAGE (%) COMPLIANCE

STANDARD	TARGET	January 1, 2020 - December 31, 2020		January 1, 2019 - December 31, 2019		January 1, 2018 - December 31, 2018	
		R	C	R	C	R	C
GWS 6 - Repair/Replacement of Faulty Meter The time taken, after the report of a fault, for the BWA to assess and repair/replace a faulty meter where applicable.	Assess and determine operational status of meter and report findings to the customer within 15 days	93.50	93.44	99.79	100	91.00 ⁴	
	Replace/repair faulty meter within 30 days of confirmation of defect	98.94	98.25	100	100	99.29	

With regard to Reconnection after Payment of Overdue Amount and Reconnection Fee, the BWA's 2018 performance was acceptable, with a compliance rate of 98.37%. It must be noted that this data represented an amalgamation of residential and commercial customers. In 2019, a compliance rate of 47.62% was reported for residential customers and 100% for commercial customers. The subpar performance under the residential category improved the following year, as a compliance rate of 99.78% was reported. The BWA reported that there were no commercial disconnections for 2020, as per the government directive.

Table 6 offers a comparative summary of the BWA's performance from 2018 to 2020 under GWS 7 (Reconnection After Payment of Overdue Amount and Reconnection Fee).

⁴ This assessment is inclusive of both Residential and Commercial as the BWA did not differentiate between the two categories.

STANDARD	TARGET	AVERAGE (%) COMPLIANCE January 1, 2020 - December 31, 2020		AVERAGE (%) COMPLIANCE January 1, 2019 - December 31, 2019		AVERAGE (%) COMPLIANCE January 1, 2018 - December 31, 2018	
		R	C	R			R
GWS 7 - Reconnection After Payment of Overdue Amount and Reconnection Fee The timely reconnection of a customer's service after satisfactory settlement of overdue amounts and reconnection fee at the BWA's offices.	Maximum of 24 hours to restore supply	99.78	No disconnections	47.62	100	98.37	

With respect to GWS 8 Scheduling of Field Appointments, the BWA submitted no data, therefore no assessment of this Standard. The utility advised that, whilst the system to track the information has been developed, there was an absence of skills in the use of the technology required for the provision of the information for this Standard.

Similarly, no data was submitted for GWS 9 Reliability of Supply. The BWA reported that data remains unavailable for this Standard, as the system to capture the information is under development. The Commission was advised that several projects to address the utility's performance under this Standard are under consideration, including one on the west coast of the island. This includes the construction of new reservoirs, one of which was recently completed in St. Peter. The feasibility of recharging the aquifers with retreated water is also under review.

Proposed Changes to the Guaranteed Standards of Service

The period under review was characterised by a subpar performance in relation to the Guaranteed Standards. Given the BWA's perennial operational and financial challenges and associated poor performance, the Commission is of the view that there is need for adjustments to be made to the existing Guaranteed Standards. Notably, the Commission proposes to define the time period in 'working days' in relation to all targets for consistency.

Q 2: What are your views on the Commission's proposal to define the time period of the targets in 'working days'?

Proposed Change to GWS 1 Installation of Service

The Ministry with responsibility for Water Resources, in collaboration with the Barbados Water Authority, issued a green paper and held public consultations on the 2020 Water Protection & Land Use Zoning Policy; the final document is to be submitted to Parliament for approval. Proposed recommendations included in this document include an amendment of some of the boundaries and change of designation for Zone, i.e. renaming Zones 1 to 5 as Zones A to E. In anticipation of this change, the Commission will include both designations in GWS 1. Furthermore, as no new commercial developments are permitted in Zone 1, this obviates the need for a target for commercial customers under this Standard. The standard in relation to investigations and installation of service in a Zone 1 area for commercial customers will therefore be eliminated.

Discussions with the utility revealed the existence of labour issues stemming from the reduction in the number of Plumbing Crews assigned to the Distribution Department from twenty-three (23) to thirteen (13). The BWA reported that this human resource limitation was exacerbated by raw material and transportation shortages, which negatively impacted the plumbing crew's ability to effect the installation of new

services. The BWA cited its backlog of outstanding installations, which date back to 2019 and 2020, as a consequence of the aforementioned. Of the nine hundred and eighty-one (981) new applications for service, the BWA reported that only four hundred and seventy-eight (478) were installed.

Given the change to 'working days', the target for residential customers will be fourteen (14) working days and in turn, ten (10) working days for commercial customers. The Commission also acknowledges that there may be instances where the delay in installation rests solely with the customer and is of the view that the utility should not be held liable for delays in these circumstances. Therefore, a proviso would be added to the Standard for clarity. As a result, an application for service will only be considered valid where it is accurately completed. This proposed timeframe is comparable to that of regional counterparts, as the Regulated Industries Commission (RIC) in Trinidad requires the feasibility of the application to be completed within five (5) working days and the installation to be completed in seven (7) working days. The Office of Utility Regulation (OUR) in Jamaica requires installations to be completed within ten (10) working days.

An alternative proposal is a moratorium to allow the BWA to address the backlog and become compliant. During this time, the utility would be required to submit an action plan detailing the timeline within which it will be able to adequately achieve the GWS 1 Standard. The BWA would also be required to submit monthly reports on its progress. Consideration could be given for the moratorium to last for a period of one (1) year. However, the Commission considers that where incomplete applications are excluded from the reporting, the performance under this Standard would improve and therefore eliminate the need for a moratorium.

Table 7 - Adjustments to GWS 1

STANDARD	TARGET	PROPOSED CHANGE	TARGET
<p><u>GWS1</u></p> <p>Installation of a Service</p> <p>1a. Time taken between application, payment for service, and the installation for a standard connection in a Zone other than a Zone 1 area.</p>	<p>Residential (R) - 14 days</p> <p>Commercial (C) - 10 days</p>	<p><u>GWS1</u></p> <p>Installation of a Service</p> <p>1a. Time taken between application, payment for service, and the installation for a standard connection in a Zone other than a Zone 1 (Zone A) area.</p> <p>(After submission of an accurately completed application and the customer is in proximity to the BWA's infrastructure)</p>	<p>Residential (R) - 14 working days</p> <p>Commercial (C) - 10 working days</p>
<p>1b. Time taken to complete an investigation on receipt of an application for service, in a Zone 1 area.</p>	<p>Residential (R) - 14 days</p> <p>Commercial (C) - 10 days</p>	<p>1b. Time taken to complete an investigation on receipt of an application for service, in a Zone 1 (Zone A) area.</p> <p>(After submission of an accurately completed application and the customer is in proximity to the BWA's infrastructure)</p>	<p>Residential (R) - 14 working days</p>
<p>1c. Installation time after the completion of the investigation and approval in Zone 1 area.</p> <p>(Zones are as defined by the BWA)</p>	<p>Residential (R) - 14 days</p> <p>Commercial (C) - 10 days</p>	<p>1c. Installation time after the completion of the investigation and approval in Zone 1 (Zone A) area.</p> <p>(Zones are as defined by the BWA)</p>	<p>Residential (R) - 14 working days</p>

Q 3: Please note that this question has two options to consider.

- a. What are your views on redefining the time under GWS 1 as ‘working’ days?
- b. What are your views on allowing the BWA a moratorium, i.e., a temporary suspension of the target for one (1) year?

Proposed Change to GWS 3 – Response to Complaints

The Commission proposes to redefine the language of this Standard for clarity. The BWA will be expected to respond to the complaint in the medium in which it was made. Accordingly, complaints submitted in writing or by email, would be addressed in the same mode. The time to provide an acknowledgement will be changed to five (5) working days, however, the Commission proposes to change the time of the investigation to twenty (20) working days. This is in relation to the utility’s indication of the challenges encountered in meeting the targets outlined under this Standard as a result of technical issues.

The RIC and OUR require complaints to be acknowledged in five (5) working days and the investigation to be completed in 30 working days.

Table 8 – Adjustments to GWS 3

STANDARD	TARGET	PROPOSED CHANGE	TARGET
<p>GWS 3 Response to Complaints</p> <p>The timeframe in which the BWA must acknowledge a customer’s complaint about billings or other standards of service.</p>	<p>Acknowledgement provided within 7 days of receipt of complaint. (Billing)</p> <p>Investigation of complaint and findings provided within 20 days of receipt of complaint. (Inclusive of</p>	<p>GWS 3 Response to Complaints</p> <p>The timeframe in which the BWA must acknowledge a customer’s complaint about billings or other standards of service.</p>	<p>Acknowledgement provided within 5 working days of receipt of written or emailed complaint. (Complaints made via telephone or walk-in will be deemed to have been acknowledged at the time the complaint was made.)</p>

	acknowledgement time)		Investigation of complaint and findings provided within working 20 days of receipt of complaint. (Inclusive of acknowledgement time)
--	-----------------------	--	---

Q 4: What are your views on redefining the target time to acknowledge complaints in five (5) working days? What are your views on the redefinition of the target time to complete the investigation as 20 ‘working’ days (inclusive of the acknowledgment)?

Proposed Addition to GWS 5 Meter Installation

In some instances, the repositioning of a water meter from one location to another can be a lengthy exercise and a source of frustration for customers. While meter repositioning was not included in the original Standards of Service, it is proposed that this consideration be included under GWS 5. The utility should be given a specific time in which to complete the transfer of meters on request from customers. Additionally, the average cost to customers for effecting the service should be specified.

Proposal

It is proposed that the GWS 5 designation be changed to “Meter Installation or Meter Repositioning”. This Standard would be subdivided into two (2) parts: 5a and 5b. The original Standard for the installation of meters will be retained under 5a. For consistency, the target time would be converted to working days. However, 5b would address the timing, relating to instances where a customer requests that the meter be shifted from one location to another. It is proposed that the utility be given fifteen (15) working days from the submission of request to effect the relocation of the meter. Failure to complete in the stipulated time would result in a payment of \$15 compensation to residential customers and \$30 to commercial customers.

Table 9 - Adjustments to GWS 5

STANDARD	TARGET	PROPOSED CHANGE	TARGET
<p><u>GWS 5</u></p> <p>Meter Installation (Existing Service)</p> <p>The time frame in which the BWA will install a meter on the customer’s request. (Customer with a fixed rate requesting meter)</p>	<p>Meter to be installed within 45 days of receipt of request</p>	<p><u>GWS 5</u></p> <p>Meter Installation or Meter Repositioning (Existing Service)</p> <p>5a) The time frame in which the BWA will install a meter on the customer’s request. (Customer with a fixed rate requesting meter)</p> <p>5b) The time it takes between the customer’s request for, and the actual repositioning of the meter.</p>	<p>Meter to be installed within 30 working days of receipt of request.</p> <p>Meter to be relocated within 15 working days of receipt of request</p>

Q 5: What is your opinion on the proposed modification to GWS 5, with the addition of the parameter to address the request of the movement of the meter from one location to another? Please give the reason(s) for your response.

Proposed Change to GWS 7 - Reconnection After Payment of Overdue Amount and Reconnection Fee

Discussions with the utility revealed a number of challenges with regard to meeting the requirements of this Standard. The utility advised that there are two (2) types of disconnections; simple and complex. A 'simple' disconnection is defined as one where a temporary lock has been placed on the service by the BWA. The service can be restored within the stipulated time since all that is required is the removal of a lock. The other type of disconnection, is the 'complex', and is defined as a disconnection of the hardware from the water main. Reconnection in such instances is similar to a new installation where a crew is required to dig in order to reach the main and make the connection.

As a result, the reconnections with the removal of a lock can be targeted within 24 hours of payment at the BWA. However, the BWA's Standard Operating Procedures to effect a reconnection to the main are equivalent to those for a new service installation regulated under GWS 1.

The Commission proposes to address this issue by subdividing GWS into two (2) segments - 7a, which would address simple reconnections and 7b, for more complex reconnections. While the original target time would be retained for 7a, for 7b it is proposed that the utility be given fifteen (15) working days to complete the reconnection for residential services and ten (10) working days for commercial entities.

Table 10 – Adjustments to GWS 7

STANDARD	TARGET	PROPOSED CHANGE	TARGET
<p><u>GWS 7</u></p> <p>Reconnection After Payment of Overdue Amount and Reconnection Fee</p> <p>The timely reconnection of a customer’s service after satisfactory settlement of overdue amounts and reconnection fee at the BWA’s offices.</p>	<p>Maximum of 24 hours to restore supply</p>	<p><u>GWS 7</u></p> <p>Reconnection After Payment of Overdue Amount and Reconnection Fee</p> <p>7a) Simple Reconnection</p> <p>The timely reconnection of a customer’s service after satisfactory settlement of overdue amounts and reconnection fee at the BWA’s offices.</p> <p>7b) Complex Reconnection</p> <p>The timely reconnection of a customer’s service after satisfactory settlement of overdue amounts and reconnection fee at the BWA’s offices.</p>	<p>Maximum of 24 hours to restore supply</p> <p>Residential (R) - 15 working days</p> <p>Commercial (C) - 10 working days</p>

Q 6: Do you agree with the proposal to divide GWS 7 – Reconnection After Payment of Overdue Amount and Reconnection Fee into two (2) categories to differentiate between the simple reconnection and the complex reconnections?

Q 7: Should the current target levels for the Guaranteed Standards of Service be amended generally? If yes, please specify the Standard and the target(s) in your opinion that should be changed.

Q 8: The Commission proposes several changes, for example, changing the installation time, redefining the time period to ‘working’ days and adding an additional Standard in relation to the repositioning of meters. Do you believe that there should be any other modifications of, additions to or deletions from the current Guaranteed Standards? Please give the reason(s) for your response.

3.3. Compensation

Customers are entitled to compensation where the utility fails to provide redress within the stipulated time. However, the Standards require manual claims, which customers are required to submit to the BWA within three (3) months of the occurrence of the event that gave rise to the claim. Compensatory payments of \$15 and \$30 for residential and commercial customers, are required for the majority of the Standards. The exception is GWS 4 – Wrongful Disconnections, where the compensatory payment is \$50 for residential customers and \$100 for commercial customers. The utility reported that no claims were submitted for compensatory payments during the years 2018 and 2019 and therefore no payments were made.

The Commission is concerned by the lack of claims submission by customers. Section 5 of this document outlines the public education requirement for the BWA as it relates to Standards of Service. Therefore, the Commission proposes that the BWA be required to:

- a) Publish the Standards of Service clearly on its website and all of its social media channels, to the satisfaction of the Commission;
- b) Twice a year, publish in two (2) forms of local news media, the Standards of Service and the compensatory claim process;
- c) Inform customers of their right to claim compensation when a Guaranteed Service Standard is not met; and
- d) Make the compensatory form readily accessible on the website and at the BWA’s offices.

- Q 9:** Should BWA be required to publish the Standards of Service, clearly and prominently, to the satisfaction of the Commission, via its website, social media channels, as well as two (2) forms of news media, in addition to informing customers who make complaints of the means via which compensation may be sought? Please give reasons for your answer.
- Q 10:** Should the compensatory payment continue to be manual where the customer elects to make the claim or should it be switched to automatic compensation, where the BWA automatically applies compensation to the customer's account when a breach occurs? Please give reasons for your answer.
- Q 11:** What is your view on the level of compensation remaining the same?

3.4. Overall Standards of Service

Overall Standards assess the company's countrywide performance and are not associated with compensation to individual customers. However, where a breach persists, the Commission may, at its discretion, invoke Section 38 of the URA, which allow for the imposition of fines.

During the 2018-2020 period, the BWA's performance under the Overall Standards of Service was inconsistent. The utility was able to attain the required compliance rate, i.e. 95%, for OWS 7 Notify Public of Intention to Interrupt Supply and OWS 12 Repair of Ruptured Mains. However, the utility failed to attain the compliance rate during the period 2018 to 2020 for OWS 1 Meter Reading. While the target requires that 100% of accessible meters be read, the BWA achieved a compliance rate of 95.06% in 2020, 97.01% for 2019 and 97.27% in 2018.

As it relates to OWS 12 Repair of Ruptured Mains, which requires that 95% of mains be repaired within 24 hours of notification, the utility was able to achieve a compliance rate of 96.92% (2020) and 96.75% (2019) during the period under review, a marginal improvement from its 2018 compliance rate of 94.47%.

With respect to OWS 3 Reinstatement of Service after Electrical Outages by Supplier of Electricity, the BWA failed to meet the target of the Standard, which requires that, in 95% of instances, the water supply should be reinstated within eight (8) hours of restoration of electrical supply. There was a decline in the utility's compliance rate from 86.77% in 2018 to 78.99% in 2019. During the final quarter of 2019, the utility reported that extenuating circumstances, including the island wide power outages, impacted its ability to supply water. The BWA also indicated that when power outages occur, the pumps in the pumping stations cease operation and approximately eight (8) hours are required for the reservoir to be filled on resumption of power.

Although OWS 4 Reinstatement of Service after In-House Fault (residing within the control of BWA) is solely in the control of the utility, it similarly failed to attain the required criterion. The utility only achieved 50% compliance in 2020, 63.58% in 2019, and 53.68% in 2018, representing a failure to reach the target which is restoration of supply within eight (8) hours of occurrence of fault in 95% instances. The BWA indicated that two thirds of the pumping stations did not have generators and therefore frequent temporary power outages adversely impacted the pumping capability. Moreover, the network's aging infrastructure and the small recharging lines limit the speed of the accumulation of water in the reservoir after an outage. While redundancies are in place, the pumping equipment was not designed for frequent outages, thus the resultant issues.

Data submission for OWS 2 Investigation of Water Quality was inconsistent for the year 2018, as reports were only received for one (1) quarter. Therefore, it would not be possible to report on a rate for the year. Under this Standard, the BWA is required, in 95% of instances, to submit a report within 72 hours and a comprehensive report within

two (2) weeks. The utility indicated that the associated department was understaffed and there was the absence of a system to track the number of complaints related to water quality issues. Complete reports were submitted for 2019 and 2020. A compliance rate of 78.22% was realised in 2019 and 75% for 2020 which represents a failure to attain the Standard in both years.

Compliance rates of 92.15% (2020), 89.03% (2019) and 70.87% (2018) were reported for temporary reinstatement under OWS 5 Reinstatement of Property. Whilst this represents a failure to attain the target of 95% reinstatement, it nonetheless indicates steady improvement over the three years. Conversely, there was a decline in the permanent reinstatement of property as the utility was only able to achieve rates of 16.93% in 2020 and 16.61% in 2019, as compared to the rate of 30.33% in 2018. The BWA advised that the Ministry of Transport, Works and Maintenance has assumed responsibility for effecting the permanent reinstatement of property.

Under OWS 6 Minimum/Maximum Water Pressure, the BWA is required to maintain water pressure between 25 and 80 pounds per square inch. Unfortunately, the BWA has never reported on this Standard and maintains that it does not possess the appropriate equipment and instruments to facilitate the measurement.

The BWA has however advised that there is an ongoing project to install the Multi-Log LX GPRS meters. Whilst this should facilitate the BWA's ability to commence reporting on this particular Standard, funding issues have delayed the completion of the project.

During 2018, the utility achieved a compliance rate of only 55.78% for OWS 7 Notify Public of Intention to Interrupt Supply, which represents a failure to attain the 95% target for this Standard. However, for 2020 and 2019, the BWA was able to attain the required target with compliance rates of 100% and 95.92%, respectively.

Reports were submitted for the year 2018 on OWS 9 Wastewater Effluent Quality and OWS 8 Correction of Sewerage Problem. The compliance rate for this Standard was 27.36% for 2018 and 60% in 2020. However, there was inconsistent reporting for 2019,

hence, the use of 'DNA' in lieu of a percentage for a compliance figure, as it would not be possible to compile a true twelve (12) month average.

Under OWS 10 Potable Water Quality, compliance rates of 92.99% for 2020, 99.47% in 2019 and 97.70% in 2018, were reported for chlorine tested at the source. Testing for bacteria at the source yielded results of 93.45% in 2020, 98.16% in 2019 and 99.26% in 2018. As it relates to the distribution, results indicated compliance rates of 99.75% (2020), 98.17% (2019), 98.37% (2018) for chlorine and 99% (2020), 99.43% (2019) and 98.65% (2018) for bacteria. This represents a failure to attain the Standard, as 100% of samples taken should be within the potable water quality limits established by the World Health Organisation (WHO).

There was a progressive deterioration of the performance under OWS 11 Repair of Ruptured Pipes, as a compliance rate of 46.67% was reported in 2018, 42.22% in 2019 and 38.91% in 2020, which represents a breach of the Standard for the entire period under review. The BWA is required to repair ruptured pipes within five (5) days' notice, in 90% of instances. This inability to repair pipes in a timely manner continues to contribute significantly to levels of Non-Revenue Water (NRW). NRW is defined as the difference between the amount of water produced for consumption and the amount of water for which customers are actually billed, i.e., no revenue is derived but costs are incurred.

However, whilst this metric remains unsatisfactory, there are many extenuating circumstances to be considered. The BWA continues to operate with an aged, deteriorating infrastructure, with some of the mains dating as far back as the 1800s. As a result, the infrastructure is more susceptible to frequent ruptures and the utility is unable to expeditiously effect repairs. The unavailability of materials, equipment and transportation also negatively impacted the utility's performance under this Standard.

The table below offers a comparative summary of the BWA's performance from 2018 to 2020 under the Overall Standards.

**Table 11 - Performance under the Current Overall Standards of Service
January 1, 2018 – December 31, 2020**

STANDARD	TARGET	AVERAGE % COMPLIANCE	AVERAGE % COMPLIANCE	AVERAGE % COMPLIANCE
		January 1 - December 31, 2020	January 1 - December 31, 2019	January 1 - December 31, 2018
OWS 1 Meter Reading	100% of accessible meters to be read monthly.	95.07	97.01	97.27
OWS 2 Investigation of Water Quality	In 95% of instances, preliminary reports are to be submitted within 72 hours and comprehensive reports are to be submitted within 2 weeks of receipt of complaint.	75	78.22	54.55 ⁵
OWS 3 Reinstatement of Service after Electrical Outages by Supplier of Electricity	In 95% of instances, the water supply shall be reinstated within 8 hours of restoration of electrical supply.	19.51	78.99	86.77
OWS 4 Reinstatement of Service after In-House Fault (Fault residing within the control of BWA)	In 95% of instances the supply shall be reinstated within 8 hours of occurrence of fault.	50	63.58	53.68
OWS 5 Reinstatement of Property	In 95% of instances temporary reinstatement shall occur at the end of work each day.	92.15	89.03 ⁶	70.87
	In 95% of instances permanent reinstatement shall occur within	16.93		30.33

⁵ Assessment is only for the 4th quarter as the BWA did not submit data for the other three (3) quarters

⁶ This average is based on three quarters as the BWA did not submit metrics for the third quarter.

	20 working days ⁷ of completion of works.		16.61 ⁸		
OWS 6 Minimum/Maximum Water Pressure	A water pressure of between 25 to 80 pounds per square inch (psi) shall be maintained at all times.	DNA	DNA	DNA	
OWS 7 Notify Public of Intention to Interrupt Supply	In 95% of instances customers are to be notified not less than 48 hours before scheduled service interruption.	100	95.92	55.78	
OWS 8 Correction of Sewerage Problem	95% of all sewerage problems shall be corrected within 48 hours of notification of the sewerage problem.	100	DNA	100.00	
OWS 9 Wastewater Effluent Quality	95% of samples shall conform to the Environmental Protection Department's (EPD's) wastewater discharge standards.	60	DNA	27.36	
OWS 10 Potable Water Quality	100% of samples taken shall be within the potable water quality limits established by the WHO.	Source Chlorine	92.99	99.47	97.70
		Source Bacteria	93.45	98.16	99.26
		Distribution Bacteria	99	98.17	98.65
		Distribution Chlorine	99.75	99.43	98.37
OWS 11 Repair of Ruptured Pipes	90% of ruptured pipes shall be repaired within 5 days of notification of rupture.	38.91	42.22	46.67	
OWS 12 Repair of Ruptured Mains	In 95% of instances mains repairs shall be effected within 24 hours of notification of rupture.	96.92	96.75	94.47	

⁷ Working days refers to Mondays to Fridays (8:00 a.m. to 4:00 p.m.) only and excludes public holidays and weekends. In measuring the response time for targets expressed in terms of working days, the day the complaint is made is excluded.

⁸ This average is based on three quarters as the BWA did not submit metrics for the third quarter.

Proposed Changes to the Overall Standards

Given the challenges enumerated earlier and the failure of the utility to attain the required level of compliance in the majority of the Standards, the Commission is of the view that there is need for adjustments to be made to some of the existing Overall Standards. The proposed changes to these Standards are discussed below.

Proposed change to OWS 2 - Investigation of Water Quality

This Standard was initially designed to address issues that were uncommon and potentially have a deleterious effect on the health of customers. Such matters would still have to be addressed as a matter of urgency. In order to ensure clarity so that these matters are dispensed with urgently, it is the view of the Commission that a qualifier should be included in the Standard. Therefore, basic complaints such as ‘white water’, or ‘discoloured or brown water’ do not require a comprehensive report. ‘White water’ is defined as water that is cloudy in appearance and caused by air bubbles. Discoloured water usually arises after the repair of ruptured mains as a result of the dislocation of corrosion in the pipe. Discoloured water complaints are addressed by the flushing of mains, and ‘white water’ dissipates over time.

Table 12 - Adjustments to OWS 2

STANDARD	TARGET	PROPOSED CHANGE	TARGET
<p><u>OWS 2</u> Investigation of Water Quality</p> <p>This refers to the time frame in which the BWA will investigate and</p>	<p>In 95% of instances, preliminary reports are to be submitted within 72 hours and comprehensive reports are to be submitted within 2</p>	<p><u>OWS 2</u> Investigation of Water Quality</p> <p>This refers to the time frame in which the BWA will investigate and</p>	<p>In 95% of instances, preliminary reports are to be submitted within 72 hours and comprehensive reports are to be</p>

submit findings to the Commission where there is a complaint relating to water quality.	weeks of receipt of complaint.	submit findings to the Commission where there is a complaint relating to water quality. (This relates to issues other than those of 'white water' or 'brown water' that are rectified by the flushing of the mains).	submitted within 2 weeks of receipt of complaint.
---	--------------------------------	---	---

Q 12: Do you agree with the insertion of the qualifier requiring the investigation of water quality issues other than “white water” issues and temporary “discoloured” water that occur after fixing a burst main?

Proposed change to OWS 3 – Reinstatement of Service after Electrical Outages by Supplier of Electricity

The Commission recognises the challenges arising for BWA with regard to restoration of service within the stipulated time. It has been considered that due to the lack of generators at the pumping stations, frequent temporary power outages adversely impact their pumping capability. This coupled with the network’s aging infrastructure and the small recharging lines limit the speed of the accumulation of water in the reservoir after an outage. Consequently, at the moment the attainment of the current target has proven impractical and for the time being, a prudent proposal is for the extension of the target time. However, the Commission is aware that the utility is in the process of implementing upgrades that will alleviate these issues. The Commission is therefore of the view that the time frame to restore service should be increased to within ten (10) hours.

Table 13 – Adjustments to OWS 3

STANDARD	TARGET	PROPOSED CHANGE	TARGET
OWS 3 Reinstatement of Service after Electrical Outages by Supplier of Electricity	In 95% of instances, the water supply shall be reinstated within 8 hours of restoration of electrical supply.	OWS 3 Reinstatement of Service after Electrical Outages by Supplier of Electricity	In 95% of instances, the water supply shall be reinstated within 10 hours of restoration of electrical supply.

Q 13: Do you agree that the target time for the restoration of service should be increased to 10 hours?

Proposed change to OWS 10 – Potable Water Quality

The Commission has a responsibility to ensure that the potable water supplied is of the required standard for consumption. The health and economic well-being of our nation is contingent on the supply of potable water that meets WHO standards. This assurance can only be obtained with frequent testing and the achievement of results within the acceptable range. However, there is a proposal to reduce the parameters tested on a daily basis. (Appendix 1 outlines the original testing parameters). Whilst not as extensive as the original parameters, the key parameters would still be tested (Appendix 2 outlines the proposed list). However, there would be a quarterly testing for metals, pesticides and petroleum hydrocarbons, and a widescreen testing on a biannual basis.

The Environmental Protection Department (EPD) routinely conducts samples and analysis testing on all wells and springs. The parameters tested by the EPD are pH, electrical conductivity, turbidity, sodium, potassium, Calcium, Magnesium, Faecal Coliform, Total Coliform, Faecal Streptococci, Sulphate, Nitrate-N, Nitrite-N, Ammonia-N, Ortho-P, Total-P, Total Dissolved Solids, Total Suspended Solids, Total Hardness, Bicarbonate, Alkalinity and chloride. OFWAT requires the water utilities in the UK to test for six (6) determinants: iron, manganese, aluminium, turbidity, faecal coliforms and trihalomethanes. Therefore, the reduction in testing parameters is not

unreasonable as it is at the level that the EPD accepts as adequate. There would be no compromise in the water quality. However, the Commission will require that the target remain unchanged, i.e. 100% of the samples shall be within the potable water quality limits established by the WHO. Furthermore, if the testing results suggest the presence of contamination, the Commission would require the utility to conduct additional testing.

Q 14: Do you agree with a reduction in the parameters for water quality testing?

Proposed change to OWS 11 – Repair of Ruptured Pipes

The utility advised that when the target for this Standard was developed, burst pipes averaged 800, however, the number of burst pipes have doubled this amount on five (5) occasions in 2019 and once in 2020. Furthermore, the average number of burst pipe complaints have increased to 1,200 per month in 2018, 1,443 per month in 2019 and 1,366 in 2020. The BWA advised that the reduction in number of burst pipes fixed in 2020 as compared to 2019 was due to the uncertainty concerning the Covid-19 pandemic. As a result, the BWA responded only to critical and emergency jobs during the months of April and May 2020. The utility advised that the aging infrastructure will lead to increased frequency of burst pipes per month.

The Commission recognises that the proliferation of leaks during the past three (3) years as a result of the aged infrastructure has impacted the utility's ability to meet the required target for the Standard. The Commission is also cognizant of the fact that these leaks are a major contributor to Non-Revenue Water (NRW). Not only is NRW costly from a financial perspective, but it also reduces the potable water available for supply to customers. Given the scarcity of water, any measures that can be taken to minimise water wastage such as repairing ruptures in a timely manner, reduces the likelihood of wastage of our valuable resource. However, given the circumstances, the

Commission is proposing to reduce the target to 80% to be repaired within five (5) working days.

Table 14 - Adjustments to OWS 11

STANDARD	TARGET	PROPOSED CHANGE	TARGET
<p><u>OWS 11</u> Repair of Ruptured Pipes</p> <p>This refers to the time taken, after the report of a rupture pipe, for the BWA to effect repairs (service lines). (Where the rupture appears before the meter, the BWA is responsible for effecting the repairs at no cost to the customer. Ruptures after the meter are the responsibility of the customer).</p>	<p>90% of ruptured pipes shall be repaired within 5 days of notification of rupture.</p>	<p><u>OWS 11</u> Repair of Ruptured Pipes</p> <p>This refers to the time taken, after the report of a rupture pipe, for the BWA to effect repairs (service lines). (Where the rupture appears before the meter, the BWA is responsible for effecting the repairs at no cost to the customer. Ruptures after the meter are the responsibility of the customer).</p>	<p>80% of ruptured pipes shall be repaired within 5 working days of notification of rupture.</p>

Q 15: What is your opinion on the reduction of the target to 80% of ruptures be repaired within the five (5) working days of notification?

Proposed New Overall Standard - OWS 13 Billing Accuracy

The Commission received a number of complaints during the 2018 -2020 period on the receipt of erroneous bills. Errors such as incorrect assessments due to inaccurate meter readings, typographical errors, mix-up in account numbers, customer being billed for incorrect meter or customer not receiving a bill, etc. Another common concern is that the graphical depiction of usage on the bill typically is not in alignment with the actual historical usage. As a result, customers are likely to question the charges incurred when there is a disconnect between the historical graph and the current charges. The Commission considers the inclusion of a new Standard which addresses this directly is

merited. The Commission therefore proposes to introduce a new Overall Standard – OWS 13 Billing Accuracy which will address the provision of accurate billing information (accuracy of information on bills).

Table 15 – New Standards – OWS13

STANDARD	SERVICE CATEGORY	TARGET
<u>OWS 13</u>	<p>Billing Accuracy</p> <p>This refers to the incidence of errors (typographical, errors of omission, etc.) on customers' individual invoice.</p>	90% of bills are to be error free.

Q 16: Do you agree with the new proposed Overall Standard as it relates to the accuracy of billing? Please give the reason(s) for your response.

Q 17: Should the current target levels for the Overall Standards of Service be amended? Please give the reason(s) for your response and examples of suggested target levels.

Q 18: Do you believe that there are other Standards that should be considered? If yes, please state the suggested Standard(s).

SECTION 4 GENERAL EXEMPTIONS

4.0 Force Majeure

The Commission acknowledges that failure to meet the Guaranteed Standards of Service may be driven by circumstances or events beyond the control of the service provider. Consequently, the Standards of Service are placed in abeyance in circumstances where conditions, outside the control of the BWA, make it impossible to meet the targets. The term used to define these events is *Force Majeure*. Black's Law Dictionary (2009) defines *Force Majeure*⁹ as:

"An event or effect that can be neither anticipated nor controlled; esp., an unexpected event that prevents someone from doing or completing something that he or she had agreed or officially planned to do The term includes both acts of nature (e.g. floods and hurricanes) and acts of people (e.g. riot, strikes and wars)."

The Standards of Service regime states that the *force majeure* conditions under which the exemptions from the Standards of Service may be granted are:

- (a) An act of war (whether declared or not), hostile invasion, act of foreign enemies, terrorism or civil disorder;
- (b) A strike or strikes and/or other industrial action or blockade or embargo or any other form of civil disturbance (whether lawful or not);
- (c) Landslides, lightning strikes, hurricanes, floods, droughts, tempest, earthquake, volcanic eruption, or any other natural disaster of overwhelming proportions;
- (d) Riots;
- (e) Civil commotion;
- (f) Acts or threats of terrorism;

⁹ Bryan Garner, Black's Law Dictionary (United States: Thomson Reuters, 2009), 718.

- (g) Insurrections;
- (h) Epidemics and/or pandemics;
- (i) Trade restrictions;
- (j) Inability to obtain any requisite Government permits; and
- (k) Breakdown of machinery or equipment or any other force or cause of similar nature not within the control of the BWA and which by the exercise of diligence it is unable to avoid, prevent or mitigate.

4.1. Other Exemptions and Conditions

The Commission is cognisant that other circumstances may exist from time to time which may impede the BWA's ability to meet the prescribed Standards of Service. In such circumstances, where a customer is dissatisfied with the utility's application of an exemption, that customer may seek the Commission's guidance. Thereafter, the Commission may authorise the BWA's action or require it to honour the claim.

The situations which might fall into this category may include but are not limited to the following:

- (a) Where the BWA is unable to gain access to the customer's premises at the prearranged time;
- (b) Where inadequate directions have been provided by the customer;
- (c) Where the customer's installation does not meet the BWA's requirements for installation or is considered unfit for service, (e.g. zonal restrictions, inappropriate materials etc.);
- (d) Where the customer or the customer's agent fails to fulfil his/her obligations;
- (e) Where there are legal constraints that may prevent the BWA from meeting the standard;
- (f) Where the customer informs the BWA, in writing, that no further action should be taken on a matter;

- (g) Where the customer requests, in writing, the BWA to take action at a later date than that required by the standard;
- (h) Where the Commission reasonably considers that the customer's request or complaint is frivolous or vexation;
- (i) Where an offence has been committed through interference with the BWA's metering equipment;
- (j) Where the customer's account remains unpaid after the BWA has given the customer notice of its intention to disconnect the supply for non-payment;
- (k) Where the BWA is requested, by a public authority, to provide an emergency water supply to assist in emergency action and the provision of such services restricts the connection of a customer to a specified service or the rectification of a fault or service difficulty;
- (l) Where there is a negligent and willful act by the customer;
- (m) Where the customer is required to pay a charge to the BWA for connection to the service or for the use of the service and the BWA has reasonable grounds to believe, based on the customer's prior debt service record, that the customer would be unwilling or unable to pay the charges as it becomes due; and
- (n) Other unforeseeable circumstances beyond the control of the Parties against which it would have been unreasonable for the affected party to take precautions and which the affected party cannot foresee by using its best efforts.

It is proposed that these aforementioned established exemptions be maintained. The Commission expects that reasonable consideration will be given to the customer under similar circumstances, including but not limited to the customer's obligation as aforementioned.

SECTION 5 MONITORING AND ENFORCEMENT OF STANDARDS

The performance of the BWA must be monitored over time to ensure that there is adherence to the Standards of Service. Furthermore, it is proposed that these standards will be valid for a period of three (3) years, with a review at the end of this period. Ultimately, standards are important in ensuring there is public accountability.

The BWA will therefore be required to submit to the Commission quarterly reports on its performance as it relates to the Standards of Service.

BWA will be required to submit quarterly regulatory reports. These reports must include information for each month of the quarter, including:

- The number of breaches under each Guaranteed Standard of Service category and as a percentage of compliance;
- The actual, average time taken to respond to and /or rectify issues referred to under each Guaranteed Standard of Service category;
- The level of compliance, as a percentage, of each Overall Standard of Service category;
- The number of inaccessible meters; and
- Details of any extenuating circumstances that would have prevented the achievement of the targets for the Overall Standards of Service.

The BWA will also be required to submit annual reports inclusive of the above information and additionally:

- The number of customers eligible for compensation during the financial year under consideration;
- The total value of eligible compensation;
- The number of customers actually receiving compensation; and
- The value of compensation remitted.

Compliance will be evaluated on a monthly basis.

Q 19: What other improvements would you suggest for the level of reporting?

The Commission reserves the right to conduct independent investigations that seek to determine the extent to which the BWA is meeting the Standards of Service.

Where an Overall Standard is not met, the BWA shall provide an explanation to the Commission. Where the BWA continually fails to meet an Overall Standard, to the point where service is severely hampered, and it appears that no reasonable effort has been made to rectify the breach, Section 43 of the FTCA and Sections 31 and 38 of the URA may be invoked as required by these Acts, which make provisions for fines and penalties when the service provider is deemed not to be in compliance with prescribed Standards of Service.

The authority to make rules, regulations and orders in respect of penalties for non-compliance of the relevant Standard comes from Section 38 of the URA which states the following:

“The Commission may make

- a) rules;*
- b) regulations;*
- c) orders with respect to*
 - i) imposing penalties for non-compliance with prescribed standards of service; and;*
 - ii) prescribing amounts to be paid to the person referred to in section 21 for failure to provide a utility service in accordance with the standards of service set by the Commission.”*

Section 43 of the FTCA and Section 31 of the URA both state the following:

“Every Service provider or business enterprise that fails or refuses to obey an order of the Commission made under this Act is liable on summary conviction to a fine of \$100,000.00 and, in case of an continuing offense, to a fine \$10,000.00 for each day or part thereof during which the offense continues.”

Public disclosure of information

Information pertaining to the level of compliance by the company, with the prescribed Guaranteed and Overall Standards of Service, will be made available to the public on an annual basis. Consequently, the Commission wishes to clearly restate that all Standards of Service data, including compensation amounts, will be publicised periodically as intended.

Public Education

The service provider shall make available to its customers a detailed list of the approved Guaranteed and Overall Standards of Service. This list shall include information on the service categories, target times and compensatory payments where applicable. The BWA’s fault reporting process is to be made known to the public and the appropriate contact numbers included. The service provider shall also widely publicise the means via which compensation for breaches may be sought.

SECTION 6 LIST OF QUESTIONS

- Q 1:** What are your views on the Commission's continued imposition of Standards of Service for the Barbados Water Authority?
- Q 2:** What are your views on the Commission's proposal to define the time period of the targets in 'working days'?
- Q 3:** Please note that this question has two options to consider.
- a. What are your views on redefining the time under GWS 1 in 'working' days?
 - b. What are your views on allowing the BWA a moratorium, i.e., a temporary suspension of the target for one (1) year?
- Q 4:** What are your views on redefining the target time to acknowledge complaints in five (5) working days? What are your views on the redefinition of the target time to complete the investigation as 20 'working' days (inclusive of the acknowledgment)?
- Q 5:** What is your opinion on the proposed modification to GWS 5, with the addition of the parameter to address the request of the movement of the meter from one location to another? Please give the reason(s) for your response.
- Q 6:** Do you agree with the proposal to divide GWS 7 - Reconnection After Payment of Overdue Amount and Reconnection Fee into two (2) categories to differentiate between the simple reconnection and the complex reconnections?
- Q 7:** Should the current target levels for the Guaranteed Standards of Service be amended generally? If yes, please specify the Standard and the target(s) in your opinion that should be changed.

- Q 8:** The Commission proposes several changes for example, changing the installation time, redefining the time period in 'working' days and adding an additional Standard in relation to the repositioning of meters. Do you believe that there should be any other modifications of, additions to or deletions from the current Guaranteed Standards? Please give the reason(s) for your response.
- Q 9:** Should BWA be required to publish the Standards of Service, clearly and prominently, to the satisfaction of the Commission, via its website, social media channels, as well as two (2) forms of news media, in addition to informing customers who make complaints of the means via which compensation may be sought? Please give reasons for your answer.
- Q 10:** Should the compensatory payment continue to be manual where the customer elects to make the claim or should it be switched to automatic compensation, where the BWA automatically applies compensation to the customer's account when a breach occurs? Please give reasons for your answer.
- Q 11:** What is your view on the level of compensation remaining the same?
- Q 12:** Do you agree with the insertion of the qualifier requiring the investigation of water quality issues other than "white water" issues and temporary "discoloured" water that occur after fixing a burst main?
- Q 13:** Do you agree that the target time for the restoration of service should be increased to 10 hours?
- Q 14:** Do you agree with a reduction in the parameters for water quality testing?
- Q 15:** What is your opinion on the reduction of the target to 80% of ruptures be repaired within the five (5) working days of notification?

Q 16: Do you agree with the new proposed Overall Standard as it relates to the accuracy of billing? Please give the reason(s) for your response.

Q 17: Should the current target levels for the Overall Standards of Service be amended? Please give the reason(s) for your response and examples of suggested target levels.

Q 18: Do you believe that there are other Standards that should be considered? If yes, please state the suggested Standard(s).

Q 19: What other improvements would you suggest for the level of reporting?

SECTION 7 CONSULTATION PROCESS

This consultative document includes a series of specific questions for which the Commission is seeking comments. To facilitate the analysis of submissions, respondents should reference the relevant question numbers in the document. If they consider it appropriate, respondents may wish to address other aspects of the document for which the Commission has not prepared specific questions. Failure to provide answers to all questions will in no way reduce the consideration given to the entire response. Commercially sensitive material should be clearly marked as such and included in an annex to the response.

Responding to this Consultation Paper

The Commission invites and encourages written responses in the form of views or comments on the matters discussed in the Paper from all interested parties including BWA, other licensed operators, Government ministries, non-governmental organisations (NGO'S), consumer representatives, consumers, businesses and all other interested parties.

The Consultation period will begin on May 19, 2021 and end on June 17, 2021 **at 4:00 p.m.** All written submissions should be submitted by this deadline. The Commission is under no obligation to consider comments received after 4:00 p.m. on June 17, 2021.

The Consultation Paper may be downloaded from the Commission's website at <http://www.ftc.gov.bb>. Respondents to the Consultation may submit responses in electronic format. The Commission would prefer that email responses forwarded to info@ftc.gov.bb be prepared as Word documents and attached to an email cover letter.

Responses may also be faxed to the Commission at (246) 424-0300. Mailed or hand delivered responses should be addressed to the Chief Executive Officer.

Confidentiality

The Commission is of the view that this consultation is largely of a general nature. The Commission expects to receive views from a wide cross section of stakeholders and believes that views and comments received should be shared as widely as possible with all respondents.

Respondents should therefore ensure that they indicate clearly to the Commission any response or part of a response that they consider to contain confidential or proprietary information.

Analysis of Responses

The Commission expects, in most consultations, to receive a range of conflicting views. In such circumstances, it would be impossible for the Commission to agree with all respondents. Through its decision, the Commission will seek to explain the basis for its judgments and where it deems appropriate, give the reasons why it agrees with certain opinions and disagree with others. Sometimes analysis of new evidence presented to the Commission will cause it to modify its view. In the interests of transparency and accountability, the reasons for such modifications will be set out and where the Commission disagrees with major responses or points that were commonly made, it will in most circumstances, explain why.

APPENDIX 1

Appendix 1.1 - Drinking Water Quality Standard

Guideline values for chemicals that are of health significance in drinking-water¹⁰

Chemical	Guideline Value	
	(mg/l)	µg/l
Acrylamide	0.0005 ^a	0.5 ^a
Alachlor	0.02 ^a	20 ^a
Aldicarb	0.01	10
Aldrin and dieldrin	0.00003	0.3
Antimony	0.02	20
Arsenic	0.01 (A, T)	10 (A, T)
Atrazine	0.1	100
Barium	0.7	700
Benzene	0.01 ^a	10 ^a
Benzo[<i>a</i>]pyrene	0.0007 ^a	0.7 ^a
Boron	2.4	2 400
Bromate	0.01 ^a (A, T)	10 ^a (A, T)
Bromodichloromethane	0.06 ^a	60 ^a
Bromoform	0.1	100
Cadmium	0.003	3
Carbofuran	0.007	7
Carbon tetrachloride	0.004	4
Chlorate	0.7 (D)	700(D)
Chlordane	0.0002	0.2
Chlorine	5 (C)	5 000(C)
Chlorite	0.7 (D)	700 (D)
Chloroform	0.3	300
Chlorotoluron	0.03	30
Chlorpyrifos	0.03	30
Chromium	0.05 (P)	50(P)
Copper	2	2 000
Cyanazine	0.0006	0.6
2,4-dichlorophenoxyacetic acid	0.03	30
2,4-Dichlorophenoxybutyric acid	.09	90
DDT and metabolites	0.001	1
Dibromoacetonitrile	0.07	70

¹⁰ World Health Organization. (2011). Guidelines for Drinking-Water Quality. Fourth Edition.

Chemical	Guideline Value	
	(mg/l)	µg/l
Dibromochloromethane	0.1	100
1,2-Dibromo-3-chloropropane,	0.001 ^a	1 ^a
1,2-Dibromoethane,	0.0004 ^a (P)	0.4 ^a (P)
Dichloroacetate	0.05 ^a (D)	50 ^a (D)
Dichloroacetonitrile	0.02 (P)	20 (P)
1,2-Dichlorobenzene	1 (C)	1 000 (C)
1,4-Dichlorobenzene	0.3 (C)	300 (C)
1,2-Dichloroethane	0.03 ^a	30 ^a
1,2-Dichloroethene	0.05	50
Dichloromethane	0.02	20
1,2-Dichloropropane (1,2-DCP)	0.04 (P)	40 (P)
1,3-Dichloropropene	0.02 ^a	20
Dichlorprop	0.1	100
Di(2-ethylhexyl)phthalate	0.008	8
Dimethoate	0.006	6
1,4-Dioxane,	0.05 ^a	50 ^a
Edetic acid (EDTA)	0.6	600
Endrin	0.0006	0.6
Epichlorohydrin	0.0004 (P)	0.4 (P)
Ethylbenzene	0.3 (C)	300 (C)
Fenoprop	0.009	9
Fluoride	1.5 m	1 500
Hexachlorobutadiene	0.0006	0.6
Hydroxyatrazine	0.2	200
Isoproturon	0.009	9
Lead	0.01 (A,T)	10 (A,T)
Lindane	0.002	2
MCPA ^e	0.002	2
Mecoprop	0.01	10
Mercury	0.006	6
Methoxychlor	0.02	20
Metolachlor	0.01	10
Microcystin-LR	0.001 (P)	1 (P)
Molinate	0.006	6
Monochloramine	3	3 000
Monochloroacetate	0.02	20
Nickel	0.07	70
Nitrate (as NO ₃ ⁻)	50	50 000
Nitrilotriacetic acid (NTA)	0.2	200
Nitrite (as NO ₂ ⁻)	3	3 000

Chemical	Guideline Value	
	(mg/l)	µg/l
Pendimethalin	0.02	20
Pentachlorophenol	0.009 ^a (P)	9 ^a (9)
Selenium	0.04 (P)	40 (P)
Simazine	0.002	2
Sodium	50	50 000
dichloroisocyanurate	40	40 000
Styrene	0.02 (C)	20 (C)
2,4,5-T	0.009	9
Terbutylazine	0.007	7
Tetrachloroethene	0.04	40
Toluene	0.7 (C)	700 (C)
Trichloroacetate	0.2	200
Trichloroethene	0.02 (P)	20 (P)
2,4,6-Trichlorophenol,	0.2 ^a (C)	200 ^a (C)
Trifluralin	0.02	20
Trihalomethanes		
Uranium	0.03(P)	30 (P)
Vinyl chloride	0.0003 ^a	0.3 ^a
Xylenes	0.5(C)	500 (C)

(A), provisional guideline value because calculated guideline value is below the achievable quantification level;

(C), concentrations of the substance at or below the health-based guideline value may affect the appearance, taste or odour of the water, leading to consumer complaints;

(D), provisional guideline value because disinfection is likely to result in the guideline value being exceeded;

(P), provisional guideline value because of uncertainties in the health database;

(T), provisional guideline value because calculated guideline value is below the level that can be achieved through practical treatment methods, source protection, etc.

(a) - For substances that are considered to be carcinogenic, the guideline value is the concentration in drinking water associated with an upper-bound excess lifetime cancer risk of 10⁻⁵ (one additional case of cancer per 100 000 of the population ingesting drinking-water containing the substance at the guideline value for 70 years).

Concentrations associated with upper-bound estimated excess lifetime cancer risks of 10^{-4} and 10^{-6} can be calculated by multiplying and dividing, respectively, the guideline value by 10.

(d) - Dichlorodiphenyltrichlorethane.

(e) - 4-(2-Methyl-4-chlorophenoxy) acetic acid.

APPENDIX 2

Appendix 2.1 - The proposed new Sampling Regime

Monthly	Quarterly	Quarterly	Quarterly	Bi-annually
Primary Pollutants	Metals	Pesticides	PHC	Widescreen

ALKALINITY	COPPER	Atrazine	Oil and Grease	
AMMONIA_N	DISSIRON	Simazine		
BICARBONATE	DISSMAGANESE			
CALCIUM	DISSMANGANESE			
CHLORIDE	LEAD			
ELECTRICALCOND	MAGNESIUM			
F_COLIFORM	TOTALIRON			
F_STREP	TOTALMAGANESE			
NITRATE_N	TOTALMANGANESE			
NITRITE-N	ZINC			
ORTHO_P				
pH				
POTASSIUM				
SODIUM				
SULPHATE				
T_COLIFORM				
TDS				
TOTAL HARDNESS				
TOTAL_PHOS				
TOTALHARDNESS				
TSS				
TURBIDITY				